

SECONDARY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRASSICA PROTECTION PRODUCTS LLC, :  
and THE JOHNS HOPKINS UNIVERSITY :

Plaintiffs, :

-against- : 07 Civ. 7844 (SAS)

CAUDILL SEED & WAREHOUSE CO., INC. :

Defendant. :  
-----X

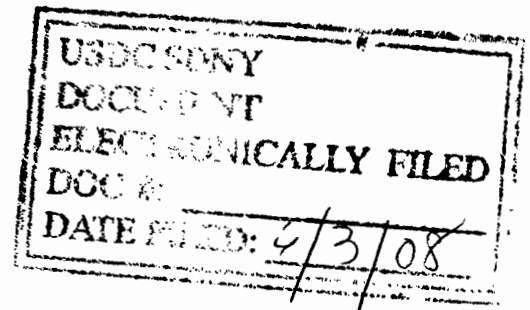
CAUDILL SEED & WAREHOUSE CO., INC. :

Plaintiff, :

-against- : 08 Civ. 2954 (SAS)

BRASSICA PROTECTION PRODUCTS, LLC :

Defendant. :  
-----X



**STIPULATION AND PROPOSED ORDER  
TO CONSOLIDATE ACTIONS**


Plaintiffs Brassica Protection Products LLC ("Brassica") and The Johns Hopkins University ("JHU"), and Defendant Caudill Seed & Warehouse Co., Inc. ("Caudill"), by their undersigned attorneys, and pursuant to Fed. R. Civ. P. 42(a)(2), hereby agree and stipulate as follows:

- 1) The sole claim in *Caudill Seed & Warehouse Co., Inc. v. Brassica Protection Products*, Case No. 3:07-CV-00464-JBC, originally filed in the U.S. District Court for the Western District of Kentucky (the "KY action"), and transferred to this Court as Case

No. 08 Civ. 2954, is also asserted as a counterclaim in the instant action (Case No. 07 Civ. 7844) (the "instant action").

2) Therefore, the two actions shall be consolidated for all purposes. The Court's November 14, 2007 Scheduling Order, together with all prior proceedings, filings, and orders of the Court thereunder, shall apply to the consolidated actions; Brassica's reply to Caudill's counterclaims in the instant action is deemed its answer to the complaint in the KY Action; and, for ease of reference, the parties and the Court will henceforth continue to use the caption and case number of the instant action, as well as the pleadings of the instant action, in connection with all proceedings.

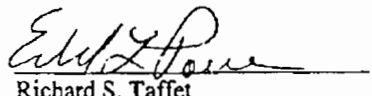
FROST BROWN TODD LLC

  
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Counsel for Defendant Caudill Seed  
& Warehouse Co., Inc.

Dated: May 30, 2008


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Counsel for Plaintiffs Brassica  
Protection Products LLC and  
The Johns Hopkins University

SO ORDERED:

Dated: 6/2/08

  
Honorable Shira A. Scheindlin  
United States District Judge